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FILED  
U. S. DISTRICT COURT  
DISTRICT OF NEBRASKA

In The United States District Court For Lincoln, Nebraska

Brian Obst #82080, Mathew \*

Miller, #8200, Gory Mattly #82182 \*

Ernest Lawrence #73549, \* Case No. 4:15CV 3054

Scott Kornahrens #82088, \* Civil Rights Complaint

Thad Junge #74205, Kenneth \* Class Action.

Hall #82245, Josh Lawrence #82242 \*

Walter Minshall #82162, Justin \*

James Seffron #82230, Chris \*

McWilliams #78331, DeAnthony \*

McGwire #82009. \*

Plaintiffs \*

v. \*

Nebraska Department of Corrections \*

Fred Britton, Scot Frakes. \*

Defendants. \*

Plaintiff Representing Class action. Brian Obst #82080.

### Basis Of Complaint

This is a civil rights class action lawsuit challenging the overcrowding conditions at the Diagnostic And Evaluation Center. DEC herein after in Lincoln Nebraska. Defendants are responsible to the inmates and plaintiffs alike to control a safe and sanitary prison. 'DEC' Plaintiffs are alleging the defendants has purposely began overcrowding the DEC through excessive holding of inmates in a dire conditions leading up to a costly dangerous situation. for both inmates and correctional staff since 2013. STATEMENT OF CLAIM. Plaintiffs are currently housed in unit 4 at DEC which is 85 plus inmates over capacity which was designed to hold 34. In 2015 the defendants became.

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aware that the 'Dec' all cell houses held over 25 inmates per unit sleeping on the cell block floor. The defendants are very well aware that they are violating space per inmate guidelines by state and federal law. The Defendants are aware that at night correctional staff can not evacuate the units in case of an fire or tornado. Inmates literally covers the complete unit floors, preventing in cell inmates 34 capacity can not at all escape to shelter in the event of an emergency or disaster. Fire drills and tornado drills are not at all conducted at DEC specially at night. The plaintiffs and similar situated inmates are forced to eat breakfast lunch and dinner 10 feet from toilet facilities and 5 feet from infested trash cans on the units. Defendants are fully aware that the space on the units are grotesque that it has in the past created air born disease where another inmate contracted an fatal and serious disease called STAPHYLOCOCCUS PNEUMONIA and had to be revive from death in 2013.

The defendants willfully has placed undo overload and stress on the DEC medical staff, where inmates outnumber correctional staff in a whole 8 to 1. in the event of a major disturbance staff could not gain control of the units or its compound. The defendants undo pressure on the medical team causes whats called "passing the buck". Inmates and plaintiffs alike has been made to wait up to 3 weeks before seen by medical staff for health and mental illness, wich has lead to inmates being released without mental evaluations and treatment. "DEC" was designed to housed 175 inmates. in 1993 that number doubled to approx 350 inmates and to date over 530 inmates in small quarters.

Defendant Fred Britton is the Warden at DEC and Scott Frazier is the department of corrections parole system overseers and both

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both have ignored grievance complaints by plaintiffs, inmates and correctional staff alike. The DEC units are infested with various insects and some rodents. 85 inmates are made to use the units 2 toilet facilities, usually leading to breakdowns of those facilities. Insects fills the plaintiff's lockers and food belongings.

The Defendants here in has ignored the fact that the plaintiff's exits are blocked by inmates' clothings on the floor in a pile blocking the fire escapes. Clean and dirty clothing. The defendants are ignoring the noise and violence level at DEC among inmates and staffs alike. The Defendants have also indulged in a type of conspiracy where newly incoming inmates are not given jail credit for time served, purposely overcrowding the system for the so-called purpose of creating money and undo stress. Such as inmate Anthony Hancock #82211 whom was given 288 days jail credit by a district judge whom sentenced him on 5-11-15, but once he arrived at DEC was only given 7 months jail credit. The defendants are purposely creating an overcrowding conditions, by holding vast majority inmates over 6 months to 13 months before being sent to other prisons. by also holding inmates whom has 2 to 6 months to complete their sentences for the so-called purpose of money, and ~~to~~ violent situations.

The defendants are also aware that keeping the units sanitized is up to inmates who are self-appointed, or correctional officials who are also self-appointed. Defendants have willfully violated the plaintiff's 8, 14th Amended rights.



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## Defendants

1. # Defendant Fred Britton is the active warden at DEC and he oversees the safety and sanitation as well as crowd control at DEC. He is being sued in his official and individual capacity.
2. # Defendant Scot Frakes is the head director of Nebraska Department of Corrections, and is being sued in his official and individual capacity.

## Venue

Venue is proper in this case as all violations herein took place in Lincoln Nebraska Lancaster County, DEC

All defendants acted under color of law.

## Plaintiffs

1. Matthew Miller #2000
2. Cory Mattly #2182
3. Ernest Lawrence #73549
4. Scott Kornahrens #82088
5. Justin James Sefton #82230
6. Chris McWilliams #78331
7. DeAnthony McGuire #82009
- 8.

All are currently housed at the DEC unit 4  
' P.O. Box 22800 Lincoln Ne. 68542-2800

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Damages Requested.

- 1.# Order an Preliminary Injunctive Order Declaring that the defendants are in direct violations of plaintiffs constitutional rights to be free from cruel and unusual punishment by deliberately overcrowding the DEC, by not rendering jail credits to inmates ~~that~~ promised to them by the courts.
- 2.# Order on Preliminary Injunctive Order Declaring that the defendants knowingly and purposely forced overcrowding on the units at DEC subjecting the plaintiff and similar situated inmates to sleep on the complex floors preventing emergencies evacuations and insect infested.
- 3.# Order an Preliminary Injunctive Order Declaring that the defendants are in direct violations feeding plaintiffs and situated inmates and correctional officials to eat 10 feet from toilet facilities and 5 feet from unit garbage cans.
- 4.# Order on Preliminary Injunctive Order Declaring that the defendants willfully violates state and Federal law by packing inmates cloths in front of the fire exits blocking its doorways.
- 5.# Order on Preliminary Injunctive Order Declaring that the defendants willfully have created an overflow of inmates that has resulted in the denial of mental treatment to inmates.
- 6.# Order a Preliminary Injunctive Order Declaring that the plaintiffs and situated inmates is in danger of a disaster.

sleeping on the unit floor covering the entire floor were inmates  
can not work around.

7.# Order on Preliminary Injunctive Order declaring the defendants  
in violation of inmates with disabilities to sleep on the unit floors  
as of date 25 plus inmates sleeps on the unit floors.

8.# Order appointment of counsel to represent plaintiffs  
in this class action.

9.# Award Plaintiffs damages "Punitive"

10.# Award Manatory Damages.

11.# Award Compensation Damages.

12.# Order that the defendants are seriously incompetent to  
oversee the DEC

Plaintiffs prays this court grants any other relief it  
feels appropriate.

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Inmate Name: Brian Obst

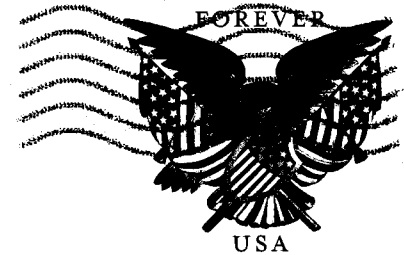
Inmate # #82080

P. O. Box 22800

Lincoln, NE 68542-2800

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*John*

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